THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.20459 OF 2006

DATED 28.09.2006

Between:
Immadisetty Koteswara Rao. … PETITIONER

versus

The Municipal Commissioner,
Bapatla, Guntur District. … RESPONDENT

WRIT PETITION NO.20459 OF 2006

ORDER:

The matter is coming up for admission today. Sri Nageswar Reddy takes notice on behalf of respondent.

2. Heard Sri Ramidi Satyanarayana, learned counsel representing the petitioner and Sri Nageswar Reddy, learned Standing Counsel, representing the respondent.

3. The Writ Petition is filed praying for a Writ of Mandamus declaring the action of the respondent in trying to dispossess the petitioner from his land admeasuring 93.86 sq. yards and 22.44 sq.yards respectively situated in S.Nos.81/1, 80/1 and 80/2 of Vijayalakshmipuram, Bapatla, Guntur District, without following the due process of law, as arbitrary, illegal and violative of principles of natural justice and consequently direct the respondent not to interfere with the possession and enjoyment of the petitioner and pass such other suitable orders.

4. Several factual details in relation to the possession and ownership of the properties in question had been narrated by the petitioner. The main grievance of the petitioner is that without following due process of law as per the provisions of A.P. Municipalities Act, 1965, the respondent is trying to dispossess the

petitioner from the subject matter of the Writ Petition.

It is needless to say that the respondent is bound to follow the procedure as contemplated by the provisions of A.P. Municipalities Act, 1965 and unless and until the said procedure is followed, the respondent cannot resort to any further action of dispossession or otherwise of the petitioner.

In view of the same, the Writ Petition is disposed of directing the respondent not to resort to the activity of dispossessing the petitioner from the land admeasuring 93.86 sq. yards and 22.44 sq.yards respectively situated in S.Nos.81/1, 80/1 and 80/2 of Vijayalakshmipuram, Bapatla, Guntur District, without following the due process of law as per the provisions of A.P. Municipalities Act, 1965. No costs.

28.09.2006

SSR
Issue operative portion of the order
by wire at party's costs.
(BO)